

REMARKS

Claim 16 has been amended to more clearly recite the claimed invention. Support for the language “wherein said collecting cavity comprises a cavity within the melting zone cavity” can be found in the figures 6 and 7 as filed and the description of the figures on pages 17 and 18. Support for the “melting zone cavity” can be found in the Specification as filed, for example page 17, second paragraph with reference to numeral 68. No new matter has been added herewith. The changes made to the Specification and Claims by the current amendment, including deletions and additions, are shown herein with deletions designated with a ~~strike through~~ and additions underlined. Claims 24 and 25 were previously allowed. As a result of the amendment, Claims 16-22 are presented for further examination.

Allowable subject matter

Applicants would like to thank the Examiner for allowance of Claims 24 and 25.

Rejections under 35 U.S.C. §102(b)

Claims 16-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Hiraoka *et al* (GB 2,289,758). More specifically, the Examiner believes that Hiraoka teaches a sampling vessel for thermal analysis comprising a base and a separation wall which creates cavities. The Examiner believes that Hiraoka *et al* teaches on page 3 that a first partition wall and a second partition wall form the pair of sampling cavities. The because the cavities are actually formed by the walls, the Examiner’s position is that the cavities are “set into the wall” of the receptacle.

Without acquiescing to the correctness of the Examiners analysis of the claim language, Applicants have amended the claim to specify the collecting cavity of the present invention as follows: “wherein said collecting cavity comprises a cavity within the melting zone cavity”. The melting zone cavity is identified in Figure 6 and numbered as 68. It is clear from this figure that the melting zone cavity is the main cavity of the receptacle and the collecting cavity numbered as 76 is a cavity within the main cavity.

In contrast, the collecting cavity of the sampling vessel of Hiraoka *et al*. does not “comprise a cavity within the melting zone cavity”, but in contrast contains three separate cavities within the receptacle. Because each of the cavities are completely separate from each other, none comprises “a cavity within the melting zone cavity” or even a cavity within any type of cavity.

To be anticipatory under 35 U.S.C. § 102, a reference must teach each and every element of the claimed invention. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). "Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. ...There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

Thus, Hiraoka *et al.* does not teach every element because Hiraoka does not teach a collecting cavity which comprises "a cavity within the melting zone cavity" and Hiraoka does not anticipate the claimed invention.

Conclusion

The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claims set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any further questions, please contact the undersigned at the telephone number appearing below.

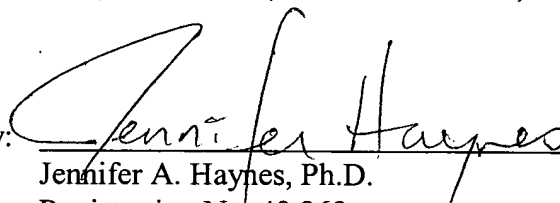
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 9, 2004

By:



Jennifer A. Haynes, Ph.D.

Registration No. 48,868

Agent of Record

Customer No. 20,995

(415) 954-4114